

### **REMARKS**

This amendment is submitted along with a Request for Continued Examination and appropriate fee in reply to the Office Action dated October 3, 2007. Claims 1, 2, 5-14 and 23-29 currently stand rejected. Applicant has amended independent claims 1 and 23 to more particularly distinguish the claimed invention from the cited references. Newly added claims 30 and 31 have been added to further define patentable aspects of the invention. Claim 2 has been canceled, without prejudice. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

#### **Claim Rejections - 35 USC §103**

Claims 1, 2, 13, 14 and 23 currently stand rejected under 35 U.S.C. §103(a), as being unpatentable over Alperovich et al. (U.S. Patent No. 6,119,014, hereinafter "Alperovich") in view of Welch (U.S. Patent No. 6,177,905). Claims 5-8 and 10 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alperovich and Welch in view of Gerszberg et al. (U.S. Patent No. 6,385,305, hereinafter "Gerszberg"). Claims 9, 11, 12 and 24-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alperovich and Welch in view of various combinations of Gerszberg, Jennings (U.S. Patent No. 5,781,186), or Hashimoto et al. (U.S. Patent No. 6,263,201, hereinafter "Hashimoto"). Claim 2 has been canceled, due to incorporation of the subject matter of claim 2 into independent claim 1. Accordingly, the rejection of claim 2 is now moot.

Applicant has amended independent claim 1 to recite, *inter alia*, storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message. Accordingly, the message header, which includes information descriptive of content of the message, holds the location conditions.

Welch is directed to a location triggered reminder. As such, Welch is merely a self reminder system basing the issuance of the reminder upon location of the user. Thus, even if the

reminder were to be considered as a message that is opened in response to reaching a particular location, Welch still fails to teach or suggest any header holding the location conditions and including information descriptive of the content of the message. In fact, although the final Office Action refers to elements 260 and 261 of FIG. 2 as corresponding to a header with display information, it is clear from FIG. 2 and the corresponding description at col. 2, line 66 to col. 3, line 26 that these elements relate to an alert table and not a message header. Moreover, even if the alert took the form of a message, there is no indication from Welch to suggest that the message would include a header holding the location conditions and information descriptive of content of the message. Accordingly, Welch fails to teach or suggest storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message as provided in independent claim 1.

Alperovich relates to SMS messages that may be delivered to a called subscriber in a certain location. FIG. 4 of Alperovich illustrates the SMS message (420), which includes location information (470) a priority indicator (410) and a remainder indicator (415). However, Alperovich fails to teach or suggest that the location information is in a header of the SMS message or even that the SMS message any information in a header. FIG. 4 does show the location information (470) preceding the SMS message (420), however, even if the location information (470) preceding the SMS message (420) were to be assumed to suggest that the location information (470) is in a header of the SMS message (420) (an assumption with which Applicant disagrees), Alperovich still fails to teach or suggest that the header includes information descriptive of content of the message. Accordingly, Alperovich also fails to teach or suggest storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message as provided in independent claim 1.

Hashimoto, Gerszberg and Jennings are unconcerned with and fail to teach or suggest storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a

memory of the communication device, the message header further including information descriptive of content of the message as provided in independent claim 1, and are not cited as such.

Since none of the cited references alone teach or suggest storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message as provided in independent claim 1, any combination of the cited references likewise fails to render independent claim 1 obvious for at least the same reasons described above. Independent claim 23 is directed to a method reciting substantially similar subject matter to that of independent claim 1 with respect to storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message. Thus, independent claim 23 is patentable over the cited reference, either alone or in combination for at least the same reasons given above for independent claim 1. Claims 5-14 and 24-29 depend either directly or indirectly from respective ones of independent claims 1 and 23, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 5-14 and 24-29 are patentable for at least those reasons given above for independent claims 1 and 23.

Accordingly, Applicant respectfully submits that the rejections of claims 1, 5-14 and 23-29 are overcome.

### **Newly Added Claims**

Applicants have added new claims 30 and 31 to more particularly define aspects of the present application. The new claims include no new matter and are fully supported by the specification and the drawings of the present application.

Accordingly, it is believed that the new claims are in condition for allowance.

Appl. No.: 09/742,190  
Filed: December 22, 2000  
Amdt. Dated October 31, 2007

### **CONCLUSION**

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson  
Registration No. 55,675

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES  
PATENT & TRADEMARK OFFICE ON OCTOBER 31, 2007.**  
LEGAL02/30584900v1